

S.R. 518 - By Edwards: Extending best wishes to Tincy Smith as she embarks on her exciting adventure.

S.R. 519 - By Edwards: Saluting Bruce Smith, Mark Town, Kurt Basa, and Kevin Miller for their exemplary achievements.

S.R. 520 - By Edwards: Extending congratulations to Craig Woodson on receiving the 1988 Pat Taggart Award.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:10 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(April 25, 1989)

S.C.R. 6

S.C.R. 103

S.C.R. 123

S.B. 113

S.B. 132

S.B. 308

S.B. 335

S.B. 395

S.B. 526

S.B. 671

Sent to Comptroller
(April 25, 1989)

S.B. 5

FIFTY-FIRST DAY

(Wednesday, April 26, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Zaffirini.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Heavenly Father, this is a special day—special because we are here, we have our health, we have friends and we have work to do. Others are depending on each of us to accomplish different tasks. Inspire these of the Senate to challenge the work yet undone, and may each one in his or her own way give thanks for the privileges we share.

In His name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Brown was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Caperton was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator McFarland was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

GUESTS PRESENTED

The President introduced the Ambassador of Austria, Dr. Friedrich Hoess and Mrs. Hoess.

Upon the invitation of the President, Ambassador Hoess addressed the Senate and read from a document relating to the writing of the Constitution of Austria which suggested that the Republic of Texas should be studied as a model for a self-governing democracy.

This framed document will be presented to the State of Texas by Ambassador Hoess.

MESSAGE FROM THE HOUSE

House Chamber
April 26, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 338, Relating to emergency appropriations. (As substituted and amended)

S.C.R. 130, Congratulating the Mexican American elected officials of Hays County.

H.J.R. 69, Proposing a Constitutional amendment to prohibit the attorney general from holding certain other elective offices during and for four years after the term for which the attorney general was elected.

H.B. 3, Relating to establishing the Texas college work-study program and the Texas educational opportunity grant program.

H.B. 27, Relating to consent for the performance of medical tests or procedures to determine human immunodeficiency virus infection, antibodies to human immunodeficiency virus, or infection with any other probable causative agent of acquired immune deficiency syndrome.

H.B. 121, Relating to the issuance of specially designed license plates.

H.B. 472, Relating to the incorporation, organization, operation, reorganization and dissolution of certain corporations, real estate investment trusts, professional corporations and professional associations.

H.B. 638, Relating to the requirement that each institution of higher education establish a program or short course to assist certain faculty members to become proficient in the use of the English language.

H.B. 1333, Relating to the authority of certain water districts to impose a standby fee on certain undeveloped property.

H.B. 1359, Relating to the creation of a lien on certain proceeds for holders of perfected liens on motor vehicles.

H.B. 1462, Relating to the authority of the Parks and Wildlife Commission to regulate the sale and consumption of alcoholic beverages in an area of Galveston State Park assigned to a concessioner.

H.B. 1464, Relating to participation in, benefits from and contributions to the Texas County and District Retirement System.

H.B. 1810, Relating to the eligibility for service on the Texas Board of Licensure for Nursing Home Administrators.

H.B. 1892, Relating to the length limitations on certain motor vehicles and combinations of vehicles.

H.B. 1910, Relating to required instruction in railroad and highway grade crossing safety in driving safety courses.

H.B. 2552, Relating to the regulation of the manufacture, distribution, conversion and sale of certain motor vehicles.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 222**. The following have been appointed on the part of the House: Rudd, Chairman; Williamson, Garcia, Harris of Tarrant and Perry.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

GUEST PRESENTED

Senator Barrientos was recognized and presented Dr. James R. Brown of Austin.

The Senate welcomed Dr. Brown, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

REPORTS OF STANDING COMMITTEES

Senator Glasgow submitted the following report for the Committee on Jurisprudence:

H.B. 79
C.S.S.B. 1621
C.S.S.B. 1444
C.S.S.B. 1733
C.S.S.B. 1605

Senator Sims submitted the following report for the Committee on Administration:

H.C.R. 61
H.C.R. 52
H.C.R. 117
H.C.R. 118
H.C.R. 140
H.C.R. 141

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.C.R. 117

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 836
S.B. 1533
H.B. 1243 (Amended)
C.S.H.B. 1211
C.S.S.B. 80
C.S.S.B. 1698
C.S.S.B. 1697
S.B. 1514

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 788

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 862
C.S.S.B. 1192
C.S.S.B. 858
C.S.S.B. 1511
C.S.S.B. 1515
C.S.S.B. 1516

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 1039
H.B. 1332
H.B. 423
H.B. 391
S.B. 1576
H.B. 1301 (Amended)
C.S.S.B. 1466
C.S.S.B. 1461
C.S.S.B. 1280

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1407
H.B. 1192

S.B. 1500
S.B. 949
S.B. 887
S.B. 1713
S.B. 549
S.B. 1654
S.B. 374
S.B. 1462
S.B. 1641
C.S.S.B. 1665
C.S.S.B. 1632

Senator Parker submitted the following report for the Committee on Education:

S.B. 1231
C.S.S.B. 1278
C.S.S.B. 619
C.S.S.B. 650
C.S.S.B. 592
C.S.S.B. 913
S.B. 1630
C.S.S.B. 1112

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be PUBLIC COUNSEL, DIVISION OF CONSUMER PROTECTION - STATE BOARD OF INSURANCE: Ms. Katherine Doughty, Travis County.

To be Members of the TEXAS STATE BOARD OF CHIROPRACTIC EXAMINERS: Dr. David E. Albracht, Randall County; Dr. James E. Franklin, Bexar County; Dr. Nancy Z. Jones, Dallas County; Raymond G. Wheless, Collin County.

To be Members of the TEXAS AIR CONTROL BOARD: Bob G. Bailey, Taylor County; Dr. Marcus M. Key, Harris County; Charles H. Rivers, Harris County; Mrs. Mary Ann Wyatt, Victoria County.

To be a Member of the GULF STATES MARINE FISHERIES COMMISSION: Charles E. Belaire, Aransas County.

To be Members of the BOARD OF DIRECTORS, RIO GRANDE VALLEY MUNICIPAL WATER AUTHORITY: Charles Caesar Cardenas, Hidalgo County; Mrs. Sylvia H. Flores, Hidalgo County; J. L. Taylor, Hidalgo County; John W. Topp, Cameron County.

To be Members of the BOARD OF DIRECTORS, RIO GRANDE VALLEY POLLUTION CONTROL AUTHORITY: Manuel Nunez Carmona, Cameron County; James Daniel Carpenter, Hidalgo County; Ken L. Espensen, Sr., Hidalgo County; Mrs. Alida S. Hernandez, Hidalgo County; Adolph Tijerina, Cameron County.

To be Members of the ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL: Daniel Edward Beckett, Travis County; Dr. Bobby L. Carlile, Brazos County; Michael E. Cavalier, Montgomery County; E. Boone Coy,

Harris County; Robert L. Morriss, Williamson County; William W. Tenison, Wood County; Willis Leo Wood, Williamson County.

To be Members of the BOARD OF DIRECTORS, COASTAL WATER AUTHORITY: R. Wayne Smith, Harris County; Terry D. Williamson, Chambers County.

To be a Member of the BOARD OF DIRECTORS, EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT: Carl Hoefelmeyer, Wilson County.

To be Members of the CRIME STOPPERS ADVISORY COUNCIL: Robert B. Aguirre, Bexar County; Sam J. Chase, Taylor County; John Keith McKissick, Kaufman County; Mrs. Rebecca Ann Rothkamm, Jefferson County; Todd Malcolm Smith, Lavaca County.

To be Members of the TEXAS ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS: Leo Berman, Tarrant County; Ernest Edwin Chance, Montgomery County; Ms. Patti Clapp, Dallas County; Mrs. June Garrison, Tarrant County; Emmett L. Gloyna, Jackson County; Hollis V. Rutledge, Jr., Bexar County; Carroll M. Thomas, Midland County.

To be Members of the TEXAS STATE LIBRARY AND ARCHIVES COMMISSION: Mrs. Jean Daniel, Liberty County; John Ben Shepperd, Ector County; Mrs. Harriette Williford-Whatley, Freestone County.

To be Members of the TEXAS AERONAUTICS COMMISSION: Louis Richard Emerson, Caldwell County; Oliver Kendall Kelley, Randall County; Mrs. Janelle McArthur, Bexar County.

To be a Member of the TEXAS VETERANS COMMISSION: James Ashley Endicott, Jr., Bell County.

To be Members of the COMMISSION ON FIRE PROTECTION PERSONNEL STANDARDS AND EDUCATION: Thomas P. Foster, Brazos County; Chief Chester A. "Pete" Shelton, Jefferson County; Chief Billie Monroe Strickland, Tarrant County; Chief Tinker Taylor, Collin County.

SENATE BILLS ON FIRST READING

On motion of Senator Brooks and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1763 by Brooks Health and Human Services
Relating to confidentiality and privilege requirements for certain information relating to impaired physicians.

S.B. 1764 by Caperton, Barrientos Criminal Justice
Relating to the issues to be submitted to the jury in determining the appropriateness of the death penalty.

S.B. 1765 by Truan Health and Human Services
Relating to certain obsolete provisions addressing health and safety standards in some eleemosynary institutions; repealing Chapter 195, Acts of the 60th Legislature, 1967 (Article 3186g, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 1766 by Haley Natural Resources
Relating to the exemption of certain marine vessels from numbering requirements, to age requirements for wearing life preservers, to rearview mirror requirements, and to emergency lights used on water safety vessels.

S.B. 1767 by Harris Finance
Relating to the funding of and the deposit of revenue generated by the Texas Racing Commission.

S.B. 1768 by Edwards Health and Human Services
Relating to the use of support personnel employed by hospital districts to perform certain pharmaceutical services.

S.B. 1769 by Parker Health and Human Services
Relating to review by the Texas Air Control Board and the Texas Water Commission of certain applications for permits to operate hazardous waste management facilities.

S.B. 1770 by Henderson Jurisprudence
Relating to the statutory probate courts in Harris County.

CO-SPONSOR OF HOUSE BILL 509

On motion of Senator Zaffirini and by unanimous consent, Senator Sims will be shown as Co-sponsor of **H.B. 509**.

CO-AUTHOR OF SENATE BILL 1417

On motion of Senator Parmer and by unanimous consent, Senator Johnson will be shown as Co-author of **S.B. 1417**.

CO-AUTHORS OF SENATE BILL 1527

On motion of Senator Zaffirini and by unanimous consent, Senators Tejeda and Truan will be shown as Co-authors of **S.B. 1527**.

CO-AUTHOR OF SENATE BILL 1678

On motion of Senator Brooks and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 1678**.

CO-AUTHORS OF SENATE BILL 1697

On motion of Senator Zaffirini and by unanimous consent, Senators Brooks and Truan will be shown as Co-authors of **S.B. 1697**.

CO-AUTHORS OF SENATE BILL 1698

On motion of Senator Zaffirini and by unanimous consent, Senators Brooks and Truan will be shown as Co-authors of **S.B. 1698**.

CO-AUTHOR OF SENATE BILL 1721

On motion of Senator Zaffirini and by unanimous consent, Senator Tejeda will be shown as Co-author of **S.B. 1721**.

CO-AUTHOR OF SENATE BILL 1722

On motion of Senator Zaffirini and by unanimous consent, Senator Tejeda will be shown as Co-author of **S.B. 1722**.

**AUTHOR'S NAME REMOVED FROM
SENATE JOINT RESOLUTION 41**

On motion of Senator Edwards and by unanimous consent, Senator Edwards' name was removed as the author of **S.J.R. 41**.

SENATE RESOLUTION 529

Senator Carriker offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to greet Mike Aljoe of Lewisville to the State Capitol and the Capital City; and

WHEREAS, Mr. Aljoe is known as the top pusher/brakeman for the United States Olympic bobsled team and the only Texan in the event; and

WHEREAS, Austin is especially honored to have this superb athlete visit our governmental center; and

WHEREAS, Mike's outstanding ability and his dedication to the highest ideals of competitive sportsmanship reflect favorably on his native state and are indeed worthy of legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby congratulate Mike Aljoe for his illustrious accomplishments and wish him continuing success; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Mike Aljoe as an expression of welcome from the Texas Senate.

GLASGOW
CARRIKER

The resolution was read and was adopted viva voce vote.

GUEST PRESENTED

At the President's request, Senator Carriker escorted Mr. Aljoe to the President's Rostrum.

The President presented an enrolled copy of S.R. 529 to him as he received the congratulations of the Senate.

SENATE RESOLUTION 521

Senator Edwards offered the following resolution:

WHEREAS, Mental illnesses are devastating diseases that afflict one out of five Americans, and these illnesses place heavy costs on society; and

WHEREAS, Thirty percent of all hospital stays are for mental disorders; and

WHEREAS, Medical researchers have made great progress in finding the causes of mental illnesses and refining treatments; and

WHEREAS, More than eight million children in the United States suffer from a mental or emotional disorder; and

WHEREAS, Two out of three children and adolescents with serious emotional and mental illnesses do not receive any intervening services; and

WHEREAS, The Mental Health Association in Texas is helping children, their families, and the public learn the facts about mental health and illnesses; and

WHEREAS, Every year since 1953, May has been designated Mental Health Month in America; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby recognize May, 1989, as Mental Health Month and encourage all Texans to join the volunteers of the Mental Health Association in their broad-based citizens' movement to promote mental health, to work for the prevention and cure of mental illnesses, and to improve care and treatment of persons with mental illnesses.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Edwards introduced a large group of mental health volunteers seated in the Senate Gallery.

The Senate extended appreciation and welcome to these visitors.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 26, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS HOUSING AGENCY, BOARD OF
DIRECTORS, FOR A TERM TO EXPIRE JANUARY 31, 1991:

STEPHEN W. McALLISTER
310 Cloverleaf
San Antonio, Texas 78209

Mr. McAllister will be filling the unexpired term of W. E. Daniels of Houston, who is deceased.

TO BE A MEMBER OF THE RUNNELS COUNTY WATER AUTHORITY,
BOARD OF DIRECTORS, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

KENNETH HORTON SLIMP
601 Floyd
Winters, Texas 79567

Mr. Slimp is being reappointed.

TO BE A MEMBER OF THE COUNCIL ON DISABILITIES, FOR A TERM
TO EXPIRE JANUARY 31, 1991:

MARVIN RICHARD MAREK, JR.
15614 Robin Ridge
San Antonio, Texas 78243

Mr. Marek is being reappointed.

TO BE A MEMBER OF THE UPPER COLORADO RIVER AUTHORITY
BOARD OF DIRECTORS, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

JAMES DAVID CLENDENNEN
Box 163
Silver, Texas 76949

Mr. Clendennen will be replacing Leonard C. Ivey, Sr., of Robert Lee, whose term expired.

TO BE A MEMBER OF THE BANDERA COUNTY RIVER AUTHORITY,
BOARD OF DIRECTORS, FOR A TERM TO EXPIRE JANUARY 31, 1995:

J. B. EDWARDS
P. O. Box 63162
Pipe Creek, Texas 78063

Mr. Edwards will be replacing John Cameron of Bandera, whose term expired.

TO BE A MEMBER OF THE RADIATION ADVISORY BOARD, FOR A
TERM TO EXPIRE APRIL 16, 1995:

JESSE W. LOCKE
2545 Beechmont
Dallas, Texas 75228

Mr. Locke is being reappointed.

TO BE THE NONRESIDENT VIOLATOR COMPACT ADMINISTRATOR,
FOR A TERM TO EXPIRE FEBRUARY 1, 1991:

CALVIN MICHAEL ANDERSON
8506 Flagstone
Austin, Texas 78758

Mr. Anderson is being reappointed.

TO BE A MEMBER OF THE STATE HISTORICAL COMMISSION, FOR A
TERM TO EXPIRE FEBRUARY 1, 1995:

AL DAVIS
929 Waxmyrtle
Houston, Texas 77079

Mr. Davis will be replacing Richard H. Collins of Dallas, whose term expired.

TO BE MEMBERS OF THE TEXAS RACING COMMISSION, FOR TERMS
TO EXPIRE FEBRUARY 1, 1995:

A. L. MANGHAM, JR.
722 Crooked Creek
Nacogdoches, Texas 75961

Mr. Mangham is being reappointed.

GLENN BLODGETT, D.V.M.
P. O. Box 130
Guthrie, Texas 79236

Dr. Blodgett is being reappointed.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the
Secretary of the Senate:

Austin, Texas
April 21, 1989

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
SEVENTY-FIRST LEGISLATURE, REGULAR SESSION:

Pursuant to Article III, Section 5 of the Texas Constitution, I hereby designate as
an emergency matter legislation for an appropriation to the State Employee
Incentive Commission of the unexpended balance of the appropriation made to that
agency by Section 3, Chapter 2, Acts of the 70th Legislature, Second Called Session.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

SENATE BILL 264 WITH HOUSE AMENDMENT

Senator Tejeda called S.B. 264 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment - Wentworth

Amend S.B. 264 as follows:

1) delete lines 9-23 on page 2 and substitute the following:

Sec. 54.906. PROCEEDING THAT MAY BE REFERRED. (a) A judge may refer to a magistrate any criminal case for proceeding involving:

(1) a bond forfeiture;

(2) a pretrial motion;

(3) a postconviction writ of habeas corpus;

(4) an examining trial;

(5) the issuance of search warrants;

(6) the setting of bonds;

(7) the arraignment of defendants; and

(8) any other matter the judge considers necessary and proper, except a negotiated plea of guilty before the court.

(b) A magistrate may not preside over a trial on the merits, whether or not the trial is before a jury.

2) on page 4, line 3, after the semicolon add "and"; and

3) on page 4, strike lines 4-5, and renumber the subsequent subdivision.

The amendment was read.

Senator Tejeda moved that the Senate do not concur in the House amendment but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

On motion of Senator Tejeda and by unanimous consent, the motion to not concur was withdrawn.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Edwards gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

**HOUSE CONCURRENT RESOLUTION 17
ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

H.C.R. 17, Recommending certain goals as part of a natural energy policy.

The resolution was read second time and was adopted viva voce vote.

HOUSE BILL 1417 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1417, Relating to venue and proof requirements in certain enforcement proceedings under the Parks and Wildlife Code.

The bill was read second time.

Senator Lyon offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 1417** by adding a new Section 4 to read as follows and renumbering subsequent sections:

"Section 4. Chapter 66, Parks and Wildlife Code is amended by repealing Sec. 66.2014 and adding a new Section 66.016 to read as follows:

Sec. 66.016. (a) A person on board a boat licensed or required to be licensed for a commercial fishing activity under Chapter 47, 76, 77, or any other chapter of this code may not catch and retain any fish species whose sale is prohibited when taken from Texas waters. While commercial fishing plates are on board, all commercial fishing regulations, size limits, bag limits, possession limits, and the prohibited possession of non-commercial fish species apply.

(b) Subsection (a) of this section does not apply to a person on board a boat licensed under Chapter 47, 76 or 77 of this code if no commercial fishing plates are on board. While no commercial fishing plates are on board, all recreational fishing regulations, size limits, bag limits, and possession limits apply."

LYON
BROWN

The amendment was read and was adopted viva voce vote.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 2

Amend **H.B. 1417** by striking Section 3 in its entirety, and by renumbering succeeding sections appropriately.

The amendment was read and was adopted viva voce vote.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

HOUSE BILL 1417 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 1417** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE
HOUSE BILL 239 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 239, Relating to the liability of a landowner of agricultural land for injury to a person on the landowner's property.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 239 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.H.B. 239** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Nays: Lyon.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Lyon asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 182 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 182, Relating to benefits from the Employees Retirement System of Texas for certain officers and employees of the Commission on Law Enforcement Officer Standards and Education.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 182 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 182** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1154 ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1154, Relating to the offense of injury to a child, elderly individual, or invalid individual.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend **C.S.S.B. 1154** in SECTION 1 by inserting a new paragraph (3) to Subsection (k) of Section 22.04, Penal Code to read as follows:

(3) treatment in accordance with the tenets and practices of a recognized religious method of healing with a generally accepted record of efficacy if:

(A) fees and expenses incurred in connection with such treatment are permitted to be deducted from taxable income as medical expenses pursuant to rules and regulations promulgated by the U.S. Internal Revenue Service; or

(B) fees and expenses incurred in connection with such treatment are generally recognized as reimbursable health care expenses under medical policies of insurance issued by insurers licensed by this state.

The amendment was read.

On motion of Senator Tejada, the amendment was tabled by the following vote:
Yeas 17, Nays 7.

Yeas: Armbrister, Barrientos, Carriker, Dickson, Edwards, Green, Haley, Henderson, Johnson, Lyon, Montford, Parmer, Santiesteban, Tejada, Truan, Uribe, Zaffirini.

Nays: Bivins, Brooks, Harris, Krier, Leedom, Ratliff, Sims.

Absent: Parker.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1154 ON THIRD READING

Senator Tejada moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 1154 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 21, Nays 4.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Lyon, Montford, Parker, Parmer, Santiesteban, Tejada, Truan, Uribe, Zaffirini.

Nays: Bivins, Leedom, Ratliff, Sims.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Leedom and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1286 ON SECOND READING

On motion of Senator Tejada and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1286, Relating to revocation of an occupational driver's license issued for essential need.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1286 ON THIRD READING

Senator Tejada moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 1286 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 820 ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 820, Relating to the creation of and issuance of bonds by public facility corporations to purchase the obligations of certain sponsoring local governmental entities.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 820 ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 820 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE BILL 546 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 546, Relating to acceptance of a resignation from public office.

The bill was read second time.

Senator Edwards offered the following amendment to the bill:

Amend **S.B. 546** by striking Section 1 of the bill and substituting new Sections 1 and 2 as follows and by renumbering current Sections 2-4 as Sections 3-5:

SECTION 1. Section 201.001(a), Election Code, is amended to read as follows:

(a) To be effective, a public officer's resignation or an officer-elect's declination must be in writing and signed by the officer or officer-elect and delivered to the appropriate authority for acting on the resignation or declination. The authority may not refuse to accept a resignation ~~[A resignation must be accepted by that authority].~~

SECTION 2. Section 201.023, Election Code, is amended to read as follows:

Sec. 201.023. RESIGNATION. If an officer submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the

resignation is accepted by the appropriate authority or on the eighth day after the date of its receipt by the authority, whichever is earlier.

The amendment was read and was adopted viva voce vote.

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 546 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 546** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE BILL 1027 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1027, Relating to duplication, bootlegging, labeling, and other practices related to recordings and performances; providing penalties.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1027 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1027** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 851 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 851, Relating to fostering microenterprises in rural areas through the establishment of a targeted loan program.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 851 ON THIRD READING

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 851** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1527 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1527, Relating to the establishment of an office for the prevention of developmental disabilities.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1527 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1527** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE BILL 1547 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1547, Relating to child-care facilities.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1547 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1547** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1588 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1588, Relating to an anatomical gift statement on the reverse side of a driver's license.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1588 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1588** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

(Senator Montford in Chair)

SENATE JOINT RESOLUTION 59 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 59, Proposing a constitutional amendment to authorize local governments to invest their funds as authorized by law.

The resolution was read second time and was passed to engrossment viva voce vote.

SENATE JOINT RESOLUTION 59 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.J.R. 59** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The resolution was read third time and was passed by the following vote: Yeas 25, Nays 0. (Same as previous roll call)

**MOTION TO PLACE
SENATE BILL 1342 ON SECOND READING**

Senator Leedom moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1342, Relating to the investment of public funds.

On motion of Senator Leedom and by unanimous consent, the motion to suspend the regular order of business was withdrawn.

**COMMITTEE SUBSTITUTE
SENATE BILL 896 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 896, Relating to the regulation and taxation of coin-operated machines and their display.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 896 ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 896** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 798 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 798, Relating to financial aid and tuition for professional nursing and vocational nursing students and providing for funding through a temporary increase in the reregistration fee for registered nurses and in the license renewal fee for licensed vocational nurses.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 798 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 798** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1191 ON SECOND READING**

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1191, Relating to the punishment of the offense of possession of child pornography.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1191 ON THIRD READING**

Senator Edwards moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1191** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

HONORARY PAGES INTRODUCED

Senator Sims introduced the following Honorary Pages: Lynn and Scott Tankersley of Mertz on and Eric Gieske of Sonora.

The Senate welcomed these young people and expressed appreciation to them for their assistance today.

SENATE BILL 547 ON SECOND READING

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 547, Relating to the admissibility of a hearsay statement by an abused child in certain civil proceedings.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 547 ON THIRD READING

Senator Krier moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 547** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0. (Same as previous roll call)

SENATE BILL 865 ON SECOND READING

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 865, Relating to fees for driver's education in public schools.

The bill was read second time.

Senator Krier offered the following committee amendment to the bill:

Amend **S.B. 865**, Section 20.53(a), Education Code, subsection (11) by adding the following language after the word "year" line 14, pg. 2:

These fees shall be limited to the direct costs of the program as determined by the State Board of Education.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Krier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 865 ON THIRD READING

Senator Krier moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 865** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 443 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 443, Relating to the establishment of branch absentee polling places in certain elections.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **C.S.S.B. 443** as follows:

SECTION 1. Section 85.062, Election Code, is amended by amending Subsection (d) to read as follows:

(d) In a county with a population of more than 2,400,000 [~~two million~~], the commissioners court shall establish two ~~one~~ or more absentee polling places other than the main absentee polling place in one or more justice precincts containing territory covered by an election in which the county clerk is the absentee voting clerk. The number of polling places in each justice precinct may not exceed the number of justices of the peace elected in that precinct. This subsection supersedes a provision of this subchapter to the extent of any conflict, ~~except Subsection (f).~~

The amendment was read and was adopted viva voce vote.

On motion of Senator Johnson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 443 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 443** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1152 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1152, Relating to contract awards by units of local government.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1152 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1152** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Nays: Montford.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Montford asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1342 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1342, Relating to the investment of public funds.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend **S.B. 1342** in SECTION 1 by striking Sec. 2(a) all language prior to Paragraph (1) and inserting in lieu the following:

"Sec. 2 (a) **AUTHORIZED INVESTMENTS.** (a) An incorporated city or town, a county, a public school district, an institution of higher education as defined by Section 61.003 of the Education Code, a hospital district, a fresh water supply district, a district or authority created under Article III, Section 52(b)(1) or (2), or Article XVI, Section 59, of the Texas Constitution, or any nonprofit corporation acting on behalf of any of those entities may, in accordance with this Act, purchase, sell, and invest its funds and funds under its control in the following:"

The amendment was read and was adopted viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 1342 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 1342 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Brown, Caperton, Glasgow, McFarland, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0. (Same as previous roll call)

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Sims announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:00 a.m. tomorrow and that all bills would be considered on second reading in the order in which they are listed.

MOTION TO RECESS

On motion of Senator Brooks, the Senate agreed that upon the conclusion today of the Joint Session, the Senate would recess until 8:00 a.m. tomorrow.

RECESS

On motion of Senator Brooks, the Senate at 1:03 p.m. took recess until 3:30 p.m. today.

AFTER RECESS

The Senate assembled in the Senate Chamber at 3:30 p.m.

JOINT SESSION

The President announced that the hour for the Joint Session of the two Houses to hear an address by the Honorable George Bush, President of the United States, pursuant to S.C.R. 11, had arrived.

The President and the Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives.

The President and the Senators were announced and admitted to the House of Representatives. The Senators were escorted to seats prepared for them along the aisle.

Speaker Pro Tempore Hugo Berlango called the House to order.

Mrs. Rita Clements and Mrs. Sandra Lewis were announced and seated on the Speaker's Rostrum.

Escort committees of Representatives Conley, Craddick, Early, Eckels, Guerrero, C. Harris, A. Hill, Hinojosa, Hury, Jones, Kuempel, Laney, Rudd, Saunders, Schlueter, A. Smith, T. Smith, Stiles, Vowell and Wilson and Senators Brooks, Brown, Harris, Henderson, Krier, Leedom and Truan were announced and took their places on the Speaker's Rostrum.

The Speaker of the House of Representatives called the House to order and announced a quorum present.

The President called the Senate to order and announced a quorum present.

The Honorable William P. Clements, Jr., Governor of the State of Texas, and the Honorable George Bush, President of the United States, were announced and proceeded to the Speaker's Rostrum.

Speaker Lewis introduced His Excellency George Bush, President of the United States, who addressed the Joint Session as follows:

**TEXT OF REMARKS BY PRESIDENT BUSH
TO A JOINT SESSION OF THE TEXAS STATE LEGISLATURE**

State Capitol Building
Austin, Texas

April 26, 1989

I will want to discuss a few issues facing Texas and all of America. I am a Texan. So let us say a few words about what it means to be a Texan.

Like the former kingdom of Hawaii, Texas is a nation that had to reconcile itself to being a State. But, like Hawaii, we will never reconcile ourselves to being ordinary. From the Pecos to the Pedernales, from the rapids of the Rio Grande to the broad expanse of the muddy Red River, there is no place on earth like Texas.

Nor is there another capitol in America quite like this one, built of a rose-tinged granite that blushes in a low sun. And, this being Texas, we had to build a capitol that is exactly one foot taller than the one in Washington. Texas certainly stands tall in the heart of this President.

Perhaps for this reason, Larry McMurtry is one of my favorite writers. In Lonesome Dove, he describes the mythic Texas, and conjures that sense of place we all know so well. I am inspired by a man of letters who can convincingly adopt the voice of cowboys and outlaws — men whose only schooling was in dodging bullets, whose only lessons were in how to run or rustle cattle.

But, unlike Davy Crockett, I first set out for Texas not on horseback from Tennessee, but from Connecticut in a red Studebaker in June, 1948. More than 40 years later, that trip is still a vivid memory — Highway 80, a neon Pearl Beer sign appearing in the desert twilight like an apparition. Stopping at a cafe, I didn't know if a chicken fried steak was a chicken fried like a steak, or a steak that tasted like chicken.

Still, Barbara and I settled in Texas, as did so many before us. We raised five children, helped build a business. And in that span of 40 years, I watched this State grow into even greater glory. In my lifetime, I have seen the oil wealth of West Texas help finance the building of great cities and the expansion of first-class land grant colleges — the origins of a Texas Renaissance if you will. The energy business helped make Texas what it is today — the Third Coast of the United States.

This Texas Renaissance lasted for years, even decades. But you also know another more recent chapter of the Texas story — oil cheaper than fancy mineral water, skylines of empty buildings, expensive homes to be had for monthly payments, and thousands of laid-off workers.

Now, I'm no cowboy. I pitch horseshoes, but I don't ride broncos. But I understand that cowboys have a term for the most dangerous and cunning bronco of all: They call it a "sunfisher." These broncos will rebel against a rider by adopting a motion not unlike the sunfish of the Gulf — a full-force leap into the air, back arched high, flank twisting the rider to the left, head and upper torso twisting the rider to the right, in an attempt to tear him apart. Let me suggest that in the last few years, the whole State of Texas feels like it has been on just such a ride.

Strong men and women are challenged by adversity. I believe Texans have proven that. There may be a few more bumps and bruises ahead. But make no mistake, Texas is back in the saddle again.

State unemployment has dipped to its lowest level in four years, signaling the diversification of the Texas economy. In 1970, the energy sector accounted for nearly 25 percent of State output. Last year, it accounted for only 11.4 percent. And yet Texas has more than regained the 208,000 jobs it lost from 1986 to 1987, with employment in plastics, aviation, electronics, space and computer programming leading the way. More people are at work in Texas today than ever before. The Dallas-Fort Worth "Metroplex" leads in defense and aviation technology; Houston in space and biomedical research; Austin, in microelectronics.

Another sign that Texas is becoming a world center of technology is the selection of Ellis County as the site of the Superconducting Super Collider. When built the SSC will enable us to study elemental particles with names like quarks, mesons and neutrinos.

Well, as Tom Luce, Chairman of the Texas National Research Laboratory Commission said, with a little imagination, you can: "conclude that future research in the field of high energy could some day help us conquer cancer." Or discover a way to boost the amount of information on a microchip. Or answer questions that eluded Einstein, giving us a glimpse of the forces that bind the universe together. The SSC is a key to understanding nature, and to developing the technologies and industries of the 21st Century. Let me assure you, I will back the construction of the SSC because it is good for America.

And let me also salute you, the members of the Texas House and Senate, and the voters of this State, for having the vision to take an early lead on this project.

Still, no matter how diversified and high-tech Texas becomes, a strong domestic energy industry is important to the future of this State and all of America. I find it disturbing that nearly 50 percent of America's oil is imported. This is not good for our national security.

Some are questioning the future of America's energy production in the aftermath of the wreck of the Exxon Valdez off Alaska. I am as concerned as you — and all Americans — are by the environmental tragedy in Prince William Sound. We are using Federal resources intelligently in the clean-up effort. We are working with industry to develop an improved plan in the event of a future spill. But shutting down our domestic energy production is no answer, and would merely increase our dependence on foreign oil. We must, and we will, maintain a strong, domestic energy industry.

To reduce our dependence on foreign oil, we must return to high levels of exploratory drilling. I propose to stimulate domestic drilling with tax credits and other incentives. We need more research to learn how to recover more secondary and tertiary oil. And I want to do something else. Texas has a 65-year supply of one of the cleanest forms of energy known to man — natural gas. I call on Congress, at long last, to fully decontrol natural gas. I believe that this will happen soon.

We need a national energy policy that relies not only on oil, but on many other sources. I believe we can and must use more safe nuclear power. I believe that coal has a bright future. You know my confidence in natural gas.

As we all become increasingly concerned about the need for clean air, we must look more to natural gas and to nuclear power. We must produce more of our corn crop to produce ethanol, more of our natural gas to produce methanol. Greater use of these two will rapidly improve the air quality of our most heavily polluted cities.

I know there are still a few dark clouds remaining on our economic horizon. I know that you are concerned about the continuing crisis in many savings and loan institutions. I have asked for measures to restore these institutions to financial health. And I have asked for \$37 million in 1989 funds for the Justice Department, so that those who willfully abuse the trust of small savers can expect to be pursued, and put in prison. The U.S. Senate has acted expeditiously on the S&L bill, with strong support from Democrats and Republicans alike. I call on the House of Representatives to pass a responsible S&L bill as soon as possible.

Texas, like all of America, faces many challenges. But I believe that by working together, as Republicans and Democrats, as Federal and as State officials, we can lick any problems down the path. Federalism works because of your leadership and your initiative. The old dictum of the best government being that which is closest to the people applies here, in Austin.

True, some problems of the recent past linger. Some areas of the State are recovering more slowly than others. But the way is clear to a future as bright and promising as the blue Texas sky — a new reliance on a diversified economy, and the technologies of the next century. This is the secret of the Texas turnaround, and its unfolding is a tribute to the leadership of Bill Clements, Senators Gramm and Bentsen, and the men and women of the Texas Legislature. Texas is starting to feel like its old self again. There is again a feeling among Texans that anything is possible — who knows, the Rangers or the Astros might even win the World Series.

As we face our future in the White House, Barbara and I take with us memories of people and places from a State that has been home for most of our lives.

We remember driving the kids across Texas, and slowing down so we could take in the fields of bluebonnets and Indian paintbrush.

We remember the people of Houston, many of them mature and skeptical, but who nonetheless listened to a green young man and sent him to Congress.

And I remember Lyndon Johnson at his ranch back in 1969, an elder Democrat giving neighborly advice to a young Republican, while his very special Lady Bird held out her hand in hospitality.

Barbara and I treasure these 41 years as Texans — the sights and sounds of half a lifetime, the trust of many friends, and the love of a family. All this and more, we remember whenever we think of home.

Following President Bush's address, Governor Clements presented to President Bush a framed commission and badge as a Captain in the Texas Rangers and Speaker Lewis presented to him the gavel used in today's Joint Session.

The President announced the purpose of the Joint Session had been accomplished and that the Senate would stand At Ease pending the departure of President Bush and his party.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 42 - (Lyon): Extending congratulations to Dr. Don Smith and Dr. David Fletcher for their remarkable 43.4 mile run across Death Valley.

H.C.R. 48 - (Dickson): Recognizing September 19, 1989, as POW/MIA Day.

H.C.R. 60 - (Lyon): Commending Robert M. and Louise Rogers of Tyler for donating funds for the construction of an engineering and computer science building at Baylor University.

H.C.R. 67 - (Carriker): Declaring February 28, 1989, Counselors Day throughout the State.

H.C.R. 80 - (Sims): Recognizing April 9 through April 15, 1989, as Archeology Awareness Week in Texas.

H.C.R. 94 - (Leedom): Commending the members of the appointed State Board of Education.

H.C.R. 137 - (Barrientos): Commending the Austin Saengerrunde Damenchor on its continuing efforts to promote German language and culture.

H.C.R. 154 - (Henderson): Commending the Westfield High School band on an outstanding year in winning the State 5A marching championship.

H.C.R. 155 - (Henderson): Extending congratulations to the members and coaches of the Northwest 45 All Star baseball team.

H.C.R. 183 - (Armbrister): Designating the last Friday of April as Arbor Day in Texas.

H.C.R. 193 - (Lyon): Commending the East Texas Crisis Center for its outstanding contributions in providing crisis intervention services.

H.C.R. 197 - (Dickson): Recognizing the Salado Historical Society.

S.R. 522 - By Lyon: Commending Dr. Dorothy Scott for her lifetime of work for the schoolchildren of Texas and her community.

S.R. 523 - By Green: Extending congratulations to the students, faculty and administrators of the Cypress-Fairbanks Independent School District for their 50 years of service.

S.R. 524 - By Green: Extending congratulations to the Reverend Haywood Wiggins on the occasion of his silver anniversary as pastor of Gethsemane Missionary Baptist Church, Houston.

S.R. 525 - By Glasgow: Extending welcome to the students and faculty from Morgan High school.

S.R. 526 - By Henderson: Extending congratulations to Alan Gluth on achieving the rank of Eagle Scout.

S.R. 527 - By Johnson: Extending welcome to the students and faculty from H. S. Thompson Elementary School, Dallas.

S.R. 528 - By Barrientos: Extending congratulations to the sponsors, participants and leaders involved in the teen pregnancy and dropout prevention issues and commending them on their efforts to resolve this tragic dilemma.

RECESS

President Pro Tempore Leedom at 4:59 p.m., in accordance with a motion previously adopted, declared the Senate recessed until 8:00 a.m. tomorrow.